

1 Rule 20. Qualifications for admission of house counsel applicants.

2 Rule 20-1. Scope of practice. An attorney admitted to the Bar as House Counsel
3 shall limit his or her legal representation to the business of his or her employer. House
4 Counsel shall not:

5 (a) Appear before a court of record as an attorney or counselor in the State of Utah;
6 or

7 (b) Offer legal services or advice to the public or hold himself or herself out as being
8 so engaged or authorized, except as permitted under Rule 5.5 of the Utah Rules of
9 Professional Conduct. An attorney granted a House Counsel license is not prevented
10 from appearing in any matter pro se or from fulfilling the duties of a member of the
11 active or reserve components of the armed forces or the National Guard.

12 Rule 20-2. Requirements of house counsel applicants. To be recommended for
13 admission to the Bar as House Counsel, a person must establish by clear and
14 convincing evidence that he or she meets each of the following requirements:

15 (a) Filed with the Admissions Office a Complete Application for admission to the Bar
16 and paid the prescribed application fee;

17 (b) Be at least twenty-one years old;

18 (c) Graduated with a first professional degree in law (Juris Doctorate or Bachelor of
19 Laws) from an Approved Law School;

20 (d) Be licensed to practice law and in active status in a sister state or United States
21 territory or the District of Columbia;

22 (e) Either (1) be a bona fide resident of the State of Utah or (2) maintain an office as
23 the employer's House Counsel within the State of Utah;

24 (f) Be employed exclusively as House Counsel for a corporation, its subsidiaries or
25 affiliates, an association, a business, or other legal entity whose lawful business
26 consists of activities other than the practice of law or the provision of legal services;

27 (g) Provide an affidavit signed by both the Applicant and the employer that the
28 Applicant is employed exclusively as House Counsel and that Applicant has disclosed
29 to the employer the limitations on House Counsel's license of practicing under this rule;

30 (h) Be of good moral character and have satisfied the requirements of Rule 8;

(i) Present satisfactory proof of both admission to the practice of law and that he or she is a member in good standing in all jurisdictions where currently admitted;

(j) File with the application a certificate from the entity having authority over professional discipline for each jurisdiction where the Applicant is licensed to practice which certifies that the Applicant is not currently subject to lawyer discipline or the subject of a pending disciplinary matter;

(k) Complied with the oath and enrollment provisions of Rule 16 and paid the licensing fees required for active status.

Rule 20-3. Application. An Applicant requesting a license to serve as House Counsel must file a Complete Application for admission.

(a) An application under this rule may be filed at any time.

(b) The processing time of a House Counsel application is approximately 90 to 180 days.

(c) Applicants must meet all House Counsel admission requirements in accordance with Rule 20-2.

(d) Upon approval by the Board of an application, the Applicant will be admitted in accordance with Rule 16-2.

Rule 20-4. Unauthorized practice of law.

(a) No attorney who is not a member of the Bar and is acting as an attorney in Utah for an employer shall be denied a House Counsel license solely because of the attorney's prior failure to seek admission to the Bar, provided that an application pursuant to this rule is filed within one year of the Court's adoption of this rule.

(b) After the one-year enrollment period referred to in Rule 20-4(a), an attorney who provides legal advice to his or her employer but is not an active member of the Bar or licensed as a House Counsel pursuant to this rule may be referred for investigation for the unauthorized practice of law.

Rule 20-5. Continuing legal education requirement. House Counsel shall:

(a) File with the Board of Mandatory Continuing Legal Education ("MCLE Board"), by January 31 of each year, a Certificate of Compliance from the jurisdiction where House Counsel maintains an active license establishing that he or she has completed the

hours of continuing legal education required of active attorneys in the jurisdiction where House Counsel is licensed;

(b) Pay the designated filing fee at the time of filing the Certificate of Compliance. A House Counsel admitted under this rule who fails to comply with the CLE filing requirement by the January 31 deadline shall be assessed a late fee. Any House Counsel who fails to file within thirty (30) calendar days of the January 31 deadline may be subject to suspension and a reinstatement fee.

Rule 20-6. Applicable regulations. House Counsel is subject to and must comply with the Utah Rules of Professional Conduct, the Rules Governing Admission to the Utah State Bar, the Rules for Integration and Management of the Utah State Bar, the Rules of Lawyer Discipline and Disability, and all other rules and regulations governing the conduct and discipline of members of the Bar.

Rule. 20-7. Discipline. House Counsel is subject to professional discipline in the same manner and to the same extent as a member of the Bar. Every person licensed under this rule is subject to control by the courts of the State of Utah and to censure, suspension, removal, or revocation of his or her license to practice as House Counsel in Utah regardless of where the conduct occurs.

Rule 20-8. Notification of change in standing.

(a) House Counsel shall execute and file with the Licensing Office a written notice of any change in that person's membership status, good standing or authorization to practice law in all jurisdictions where licensed.

(b) House Counsel shall execute and file with the Office of Professional Conduct a written notice of the commencement of all formal disciplinary proceedings and of all final disciplinary actions taken in any other jurisdiction.

Rule 20-9. No Solicitation.

(a) House Counsel is not authorized by anything in this rule to hold out to the public or otherwise solicit, advertise, or represent that he or she is available to assist in representing the public in legal matters in Utah.

(b) All business cards, letterhead and directory listings, whether in print or electronic form, used in Utah by House Counsel shall clearly identify House Counsel's employer

91 and that House Counsel is admitted to practice in Utah only as House Counsel or the
92 equivalent.

93 Rule 20-10. Cessation of activity as house counsel. A House Counsel license
94 terminates and the House Counsel shall immediately cease performing all services
95 under this rule and shall cease holding himself or herself out as House Counsel upon:

96 (a) Termination of employment with the qualified employer as provided in Rule 20-
97 2(f);

98 (b) Termination from residence, or the maintenance of his or her office in the State of
99 Utah as provided in Rule 20-2(e);

100 (c) Failure to maintain active status in a sister state or United States territory or the
101 District of Columbia, or to satisfy the Bar's annual licensing requirements, including
102 compliance with mandatory continuing legal education requirements as provided for in
103 this rule;

104 (d) Completion of any disciplinary proceeding in Utah or any other jurisdiction, which
105 warrants suspension or termination of the House Counsel license;

106 (e) An attorney who seeks admission to practice in this state as House Counsel and
107 who previously had a Utah House Counsel license that was terminated due to a
108 disciplinary proceeding pursuant to Rule 20-10(d) or whose license was terminated for a
109 period longer than six months pursuant to Rule 20-10(a), (b) and/or (c) must file a new
110 application under this rule.

111 Rule 20-11. Reinstatement after temporary lapse in license. An attorney terminated
112 pursuant to Rule 20-10(a), (b) and/or (c) shall be reinstated to practice law as a House
113 Counsel if within six months from the termination the attorney is able to demonstrate to
114 the Admissions Office that he or she has:

115 (a) Employment with a qualified employer and has provided the required verification
116 of employment pursuant to Rule 20-2(g) of this rule;

117 (b) Established a residence or maintains an office for the practice of law as House
118 Counsel for the employer within the State of Utah; and/or

119 (c) Active status in a sister state or United States territory or the District of Columbia
120 and has complied with the Bar's annual licensing requirements for House Counsel.

Rule 20-12. Notice of change of employment. House Counsel shall notify, in writing, the Licensing Office of the termination of the employment pursuant to which the House Counsel license was issued.

Rule 20-13. Full admission to the Utah State Bar. A House Counsel license will be terminated automatically once the attorney has been otherwise admitted to the practice of law in Utah as an active member of the Bar. Any person who has been issued a House Counsel license may qualify for full membership by establishing by clear and convincing evidence that he or she meets the following requirements:

(a) Filed a complete written request for a change of status with the Admissions Office in accordance with the filing deadlines set forth in Rule 7-2. The request for a change of status must include:

(a)(1) A Reapplication for Admission form updating the information provided in the original application, including payment of the prescribed application fee. If the original application for admission is more than two (2) years old, a new Complete Application for admission must be filed;

(a)(2) A criminal background check dated no more than 180 days prior to the filing of the change of status request;

(a)(3) Satisfactory proof of both admission to the practice of law and that House Counsel is a member in good standing in all jurisdictions where admitted;

(a)(4) A certificate from the entity having authority over professional discipline for each jurisdiction where House Counsel is licensed to practice which certifies that House Counsel is not currently subject to lawyer discipline or the subject of a pending disciplinary matter.

(b) Be of good moral character and have satisfied the requirements of Rule 8;

(c) Successfully passed the Bar Examination as prescribed in Rule 10;

(d) Successfully passed the MPRE as prescribed in Rule 13; and

(e) Complied with the provisions of Rule 16 concerning licensing and enrollment fees.